

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN ADDISON,

08 civ. 3895

Plaintiff,

-against-

ANSWER

RICHARD SASSI, JR.,

Defendant.
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Defendant named herein as RICHARD SASSI, JR. by his attorneys, **HODGES, WALSH & SLATER, LLP**, as and for an Answer to plaintiffs' Complaint dated April 25, 2008, allege upon information and belief as follows:

FIRST: Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "1", "18", "21", "22", "23", "24" and "26" of the Plaintiff's Complaint.

SECOND: Denies each and every allegation contained in paragraphs "5", "6", "7", "14", "15", "16", "17", "19", "27", "28", "30", "31", "32" and "33" of the Plaintiff's Complaint.

THIRD: Denies each and every allegation contained in paragraphs "9" of the Plaintiff's Complaint but admits that before defendant made any mention of the pouch to plaintiff, plaintiff stated that the pouch was not his and that he didn't sell drugs.

FOURTH: Denies each and every allegation contained in paragraphs "12" of the Plaintiff's Complaint but admits that at the station defendant found a pink plastic baggie containing a green, leafy vegetable-like substance in the change pockets of plaintiff's jeans.

FIFTH: Denies each and every allegation contained in paragraphs "20" of the Plaintiff's Complaint but admits the defendant stated that plaintiff left a pouch with 31 plastic baggies of cocaine in the back of his patrol car.

SIXTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "25" of the Plaintiff's Complaint but admits that plaintiff pled to a violation of section 600(1) of the Vehicle and Traffic Law.

SEVENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "29" of the Plaintiff's Complaint and refers all questions of law to this Court.

CAUSES OF ACTION

EIGHTH: Defendant, RICHARD SASSI, JR. repeats and realleges each and every denial set forth in paragraphs "1" through "33" of plaintiff's Complaint with the same force and effect as if fully set forth at length herein.

NINTH: Denies each and every allegation contained in paragraphs "35" of the Plaintiff's Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

TENTH: The plaintiff's complaint fails to state a cause of action and/or claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

ELEVENTH: The plaintiff's claims do not rise to the level of a constitutional violation as against this defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWELFTH: The defendant is entitled to qualified immunity.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

THIRTEENTH: The defendant's conduct was based upon probable cause.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

FOURTEENTH: The plaintiff's claim for punitive damages is barred by public policy and the laws of the State of New York.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

FIFTEENTH: The defendant acted in good faith and without malice.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

SIXTEENTH: The plaintiff's damages, if any, were caused and/or contributed to by reason of the culpable conduct of the plaintiff.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

SEVENTEENTH: The plaintiff's damages, if any, were caused and/or contributed to by reason of the improper and unlawful acts of the plaintiff.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

EIGHTEENTH: This defendant is required by law and his oath of office to uphold the laws of the United States of America, the State of new York, and the City of Beacon.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

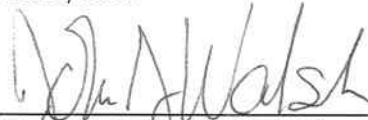
NINETEENTH: Plaintiff's claims are barred by the doctrine of collateral estoppel.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

TWENTIETH: The charges against plaintiff were not terminated in plaintiff's favor.

Dated: White Plains, NY
June 6, 2008

Yours, etc.

A handwritten signature in dark ink, appearing to read "John J. Walsh", is written over a horizontal line.

JOHN J. WALSH (4092)

HODGES, WALSH & SLATER, LLP

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